



MILPITAS PLANNING COMMISSION STAFF REPORT

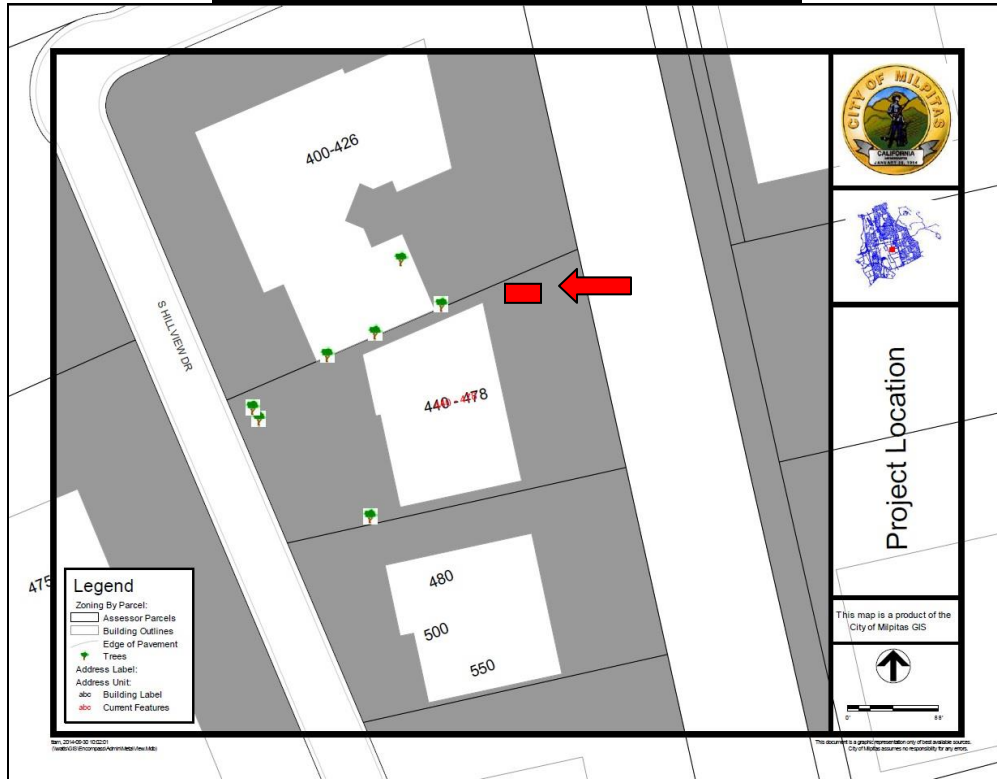
June 25, 2014

- APPLICATION:** **Sprint PG&E Tower Antennas, Conditional Use Permit Amendment No. UP14-0009**
A request for a Conditional Use Permit Amendment to Conditional Use Permit No. 1524 to add three new wireless antennas and associated equipment to an existing three antenna array mounted to a PG&E transmission tower.
- RECOMMENDATION:** **Staff recommends that the Planning Commission: Adopt Resolution No. 14-027 approving Conditional Use Permit Amendment No. UP14-0009 for the installation of three new antennas to an existing three antenna array mounted to a PG&E transmission tower located at 440 South Hillview Drive.**
- LOCATION:**
Address/APN: 440 South Hillview Drive (APN: 86-38-038)
- PEOPLE:**
Project Applicant: Alex Orner, Sprint C/O Cortel Inc.
Property/Business Owner: Pacific Gas and Electric (PG&E)
Project Planner: Tracy Tam, Planning Intern
- LAND USE:**
General Plan Designation: Heavy Industrial (M2)
Zoning District: Heavy Industrial (M2)
Overlay District: Site and Architectural Overlay (-S)
- ENVIRONMENTAL:** Categorically Exempt from further environmental review pursuant to Section 15301 (Existing Facilities) of the California Environmental Quality Act (CEQA).

EXECUTIVE SUMMARY

The applicant is requesting a Conditional Use Permit Amendment to Use Permit No. 1524 to add three new wireless antennas to an existing three antenna array mounted to a PG&E transmission tower. There are currently three antennas and six Remote Radio Units (RRUs) located on the tower. The additional three antennas and three RRUs to the tower will bring the total to six antennas and nine RRUs. All existing and proposed equipment is owned and operated by Sprint.

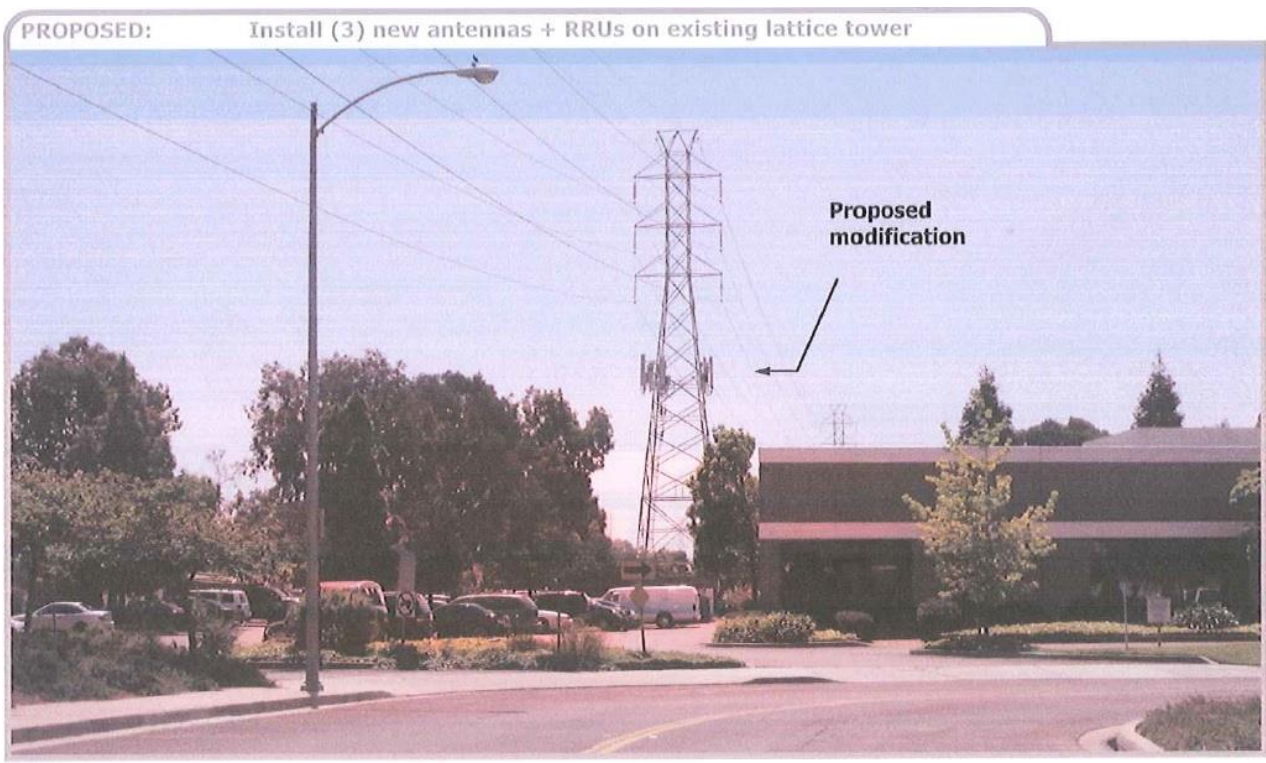
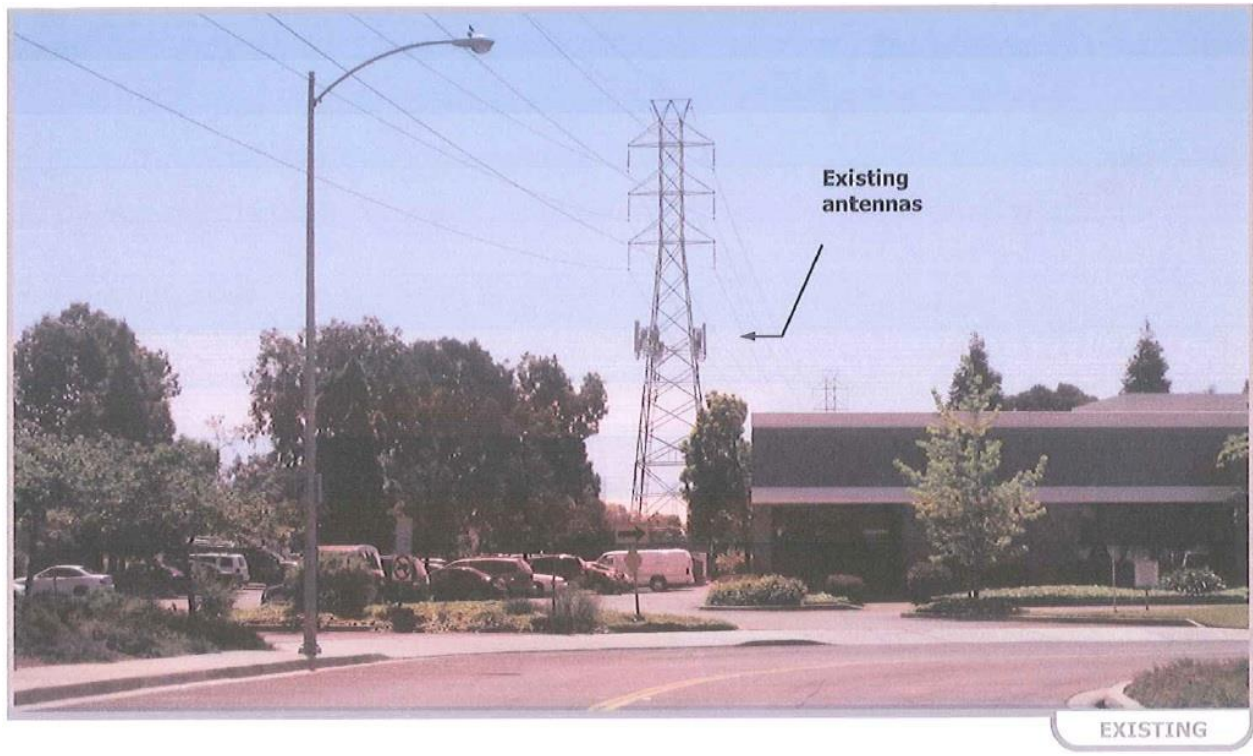
Map 1
Project Location: 440 South Hillview Drive



Map 2
Project Site



Additional Pictures



BACKGROUND

History

On December 12, 1990, the Planning Commission approved an “S” Zone Approval for the construction of a 4,688 square foot industrial building on a 1.44 acre site.

On March 22, 2000, the Planning Commission approved Conditional Use Permit No. 1524 with four conditions to install six panel antennas on an existing 95-foot PG&E transmission tower and to install equipment cabinets located at the base of tower. The equipment cabinets are adequately screened by a wooden fence and tall, dense landscaping.

The Application

The following is a summary of the applicant’s request:

- *Conditional Use Permit Amendment:* To consider a request to add three new wireless antennas, and three new RRU’s to an existing three antenna array mounted to a PG&E transmission tower.

PROJECT DESCRIPTION

Overview

The project is requesting consideration for a Conditional Use Permit Amendment to Conditional Use Permit No. 1524 to install an additional three wireless antennas and three radio remote units (RRUs). There are currently three wireless antennas, six RRUs located on the tower. With the approval of this request, there will be a total of six wireless antennas and nine RRUs. All existing and proposed equipment is owned and operated by Sprint.

Equipment cabinets are located at the base of the transmission tower. The equipment is adequately screened by a wooden fence and tall, dense landscaping. There are no changes being proposed to the equipment cabinets, landscaping, and screening.

Location and Context

The project site is located at 440 South Hillview Drive on a 1.47 acre parcel with one one-story industrial building. The project site and surrounding parcels are zoned Heavy Industrial (M2) with a Site and Architectural Overlay (-S). Vicinity and location maps of the subject site location are included on page 2 of this report.

PROJECT ANALYSIS

General Plan Conformance

This project is consistent with the intent of the implementing policies and principles of the Land Use Element in the General Plan to encourage economic pursuits which will strengthen and promote development through stability and balance, to provide opportunities to expand employment, participate in partnerships with local businesses to facilitate communication, and promote business retention, and to provide all possible community facilities and utilities of the highest standards commensurate with the present and anticipated needs of Milpitas, as well as any special needs of the region.

Zoning Conformance

Federal law preserves the City's authority to regulate the placement, construction and modification of personal wireless service facilities, so long as such regulations do not impose a blanket prohibition on the construction of such facilities or intrude into the regulation of radio frequency emissions, which are the sole province of the Federal Communications Commission and certain state regulations. Thus, the City has the power to conduct a limited review of wireless communication facilities for compliance with zoning and land use requirements.

The proposed project complies with the City's Zoning Ordinance in that wireless telecommunication facilities are conditional uses in all zoning districts. The project is not anticipated to create any negative impacts to surrounding land uses in terms of noise, odors, or radio frequency emissions. The proposed facility is not anticipated to impact the visual aesthetics of the area because it is located in the rear of the property and is abutting a railroad track and other industrial zoned parcels. Additionally, the existing 95-foot transmission tower has a height exemption, per Section XI-10-55.02(B) of the Zoning Ordinance. Wireless communication facilities are permitted above the height limit for the Heavy Industrial district. Lastly, the project conforms to the development standards for wireless communication facilities that require a conditional use permit.

Radio Frequency Emissions

The FCC has established guidelines that place limits on human exposure to radio frequency fields generated by personal wireless service facilities. These guidelines have been endorsed by the U.S. Environmental Protection Agency and the Food and Drug Administration. The FCC requires all personal wireless facilities to comply with these guidelines. Spring C/O Cortel Inc. has provided the City with a copy of its Radio Frequency Electromagnetic Energy (RF-EME) Compliance Report prepared by Professional Engineer Herbert J. Stockingber of EBI Consulting dated March 10, 2014. Based on the worst-case predictive modeling, there are no modeled exposures on any accessible ground-level walking/working surface related to Sprint's proposed equipment in the area that exceed the FCC's occupational and/or general public exposure limits at this site.

FINDINGS FOR APPROVAL

A finding is a statement of fact relating to the information that the Planning Commission has considered in making a decision. Findings shall identify the rationale behind the decision to take a certain action.

Conditional Use Permit (Section XI-10-57.04-1(F))

- 1. The proposed use, at the proposed location will not be detrimental or injurious to property or improvements in the vicinity nor to the public health, safety, and general welfare; and*

The project is consistent with this finding because the wireless communication facility is in compliance with FCC rules and regulations. The FCC has established an Occupational Maximum Permissible Exposure (MPE) of 5.00mW/cm² and an uncontrolled (General Public)

MPE of 1 mW/cm². Based on the RF-EME Compliance Report provided, the wireless communication facility is proposing a maximum power density of 0.74 percent of the FCC's Occupational limit and 3.7 percent for the FCC's general public limit. These percentages are within with limits established by the FCC, therefore, the wireless communication facility at the proposed location will not be detrimental or injurious to property or improvements in the vicinity nor to the public health, safety, and general welfare.

2. The project is consistent with the Milpitas Zoning Ordinance.

The project is consistent with this finding because wireless communication facilities are conditionally permitted uses in all zoning districts and conforms to all applicable standards set forth in Section XI-10-13.09 (Wireless Communications Facilities) of the Zoning Ordinance. The project is exempt from the maximum height allowed as per Section XI-10-55.02. Lastly, the screened equipment cabinets located at the base of the transmission tower is in compliance with the Zoning Ordinance.

3. The project is consistent with the Milpitas General Plan.

This project is consistent with the General Plan, specifically:

- Policy 2.a-I-3: Encourage economic pursuits which will strengthen and promote development through stability and balance.
- Policy 2.a-I-7: Provide opportunities to expand employment, participate in partnerships with local businesses to facilitate communication, and promote business retention.
- Principle 2.d-G-1: Provide all possible community facilities and utilities of the highest standards commensurate with the present and anticipated needs of Milpitas, as well as any special needs of the region.

The project is consistent with above mentioned policies and principles because by adding three new antennas and RRU's in an industrial area of low visual and aesthetic impact, the service provider is better serving Milpitas businesses and residents by providing an increase in speed for data capacity. Providing an increased level of service encourages economic pursuits, provides opportunities to expand employment, participate in partnerships with local businesses and promotes business retention by allowing the business to better serve their customers with the help of the proposed project.

ENVIRONMENTAL REVIEW

The Planning Division conducted an environmental assessment of the project in accordance with the California Environmental Quality Act (CEQA). The project is categorically exempt from further CEQA review under Section 15301 (Existing Facilities) of the CEQA Guidelines. This project is exempt on the basis of that it is an existing facility that is used to provide a public utility service.

PUBLIC COMMENT/OUTREACH

Staff provided public notice the application in accordance with City and State public noticing requirements. At the time of writing this report, there have been no inquiries from the public. A notice was published in the Milpitas Post on June 13, 2014. (Two Fridays before the meeting) In addition, 100 notices were sent to owners and occupants within 1,000 feet of the project site. A public notice was also provided on the project site, on the City's Website, www.ci.milpitas.ca.gov, and posted at City Hall.

CONCLUSION

In summary, the project proposes to add three new antennas and RRU's and replace three T-arm mounts to an existing PG&E transmission tower. The tower currently has three antennas and six RRUs. With the approval of this project, the total number of equipment on the PG&E tower will be six antennas and nine RRU's. The proposed changes are minimal and will not significantly impact the aesthetics of the site. The purpose of this project is to increase the speed for data capacity and will better serve the businesses and residents in the City.

RECOMMENDATION

STAFF RECOMMENDS THAT the Planning Commission:

1. Conduct the Public Hearing; and
2. Adopt Resolution 14-027 approving Conditional Use Permit Amendment No. UP14-0009 to add three new wireless antennas to an existing three antenna array mounted to a PG&E transmission tower located at 440 South Hillview Drive.

ATTACHMENTS

A: Resolution No. 14-027

B: Site Plan

C: Photo Simulations

D: Staff Report and Approval Letter for Use Permit No. 1524